

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
AUGUST 7, 2006  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.**

PRESENT:                   Commissioner David Sandifer, Chairman  
                                  Commissioner Phil Norris, Vice-Chairman  
                                  Commissioner May Moore  
                                  Commissioner Tom B. Rabon, Sr.  
                                  Commissioner William M. Sue

STAFF:                     Marty K. Lawing, County Manager  
                                  Huey Marshall, County Attorney  
                                  Jana Berg, Assistant County Attorney  
                                  Debby Gore, Clerk to the Board  
                                  Ann Hardy, Fiscal Operations Director

ABSENT:                   Steve Stone, Assistant County Manager  
  
                                  Sergeant Mark Trull

**I. CALL TO ORDER**

Chairman Sandifer called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Moore gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. Marty Lawing, County Manager requested to add approval of two Public Hearings to be held on August 21, 2006 and September 5, 2006 at 6:30 p.m. to receive input into the identification of community needs and desired Community Development Block Grant activities.
2. Commissioner Sue requested to remove Item V-E, the Cape Fear Skyway Bridge Project Resolution.
3. Debby Gore, Clerk to the Board requested to add appointments to the Comprehensive Transportation Plan Committee as item IX-2.

Commissioner Moore moved to approve the agenda as amended. The vote of approval was unanimous.

#### **IV. PUBLIC COMMENTS**

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Linda Jacobs handed a letter of complaint to the Board regarding unsightly conditions in Carol Lynn Estates.
2. Ronnie Williams expressed concerns regarding the water availability fee he has to pay as he is not connected to the water system. Chairman Sandifer directed Mr. Williams to Jerry Pierce, Utilities Director.

#### **V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

##### **A. Minutes**

1. July 3, 2006 Regular Meeting Minutes
2. July 17, 2006 Regular Meeting Minutes

##### **B. Tax Matters (EB 53-1)**

1. Tax Administration Records Retention Schedule

##### **C. Finance (EB 53/2)**

- 1) General Fund Amendment 10-Increase \$36,878

The Dixie Youth Program collected revenues for the Dixie Youth Program in excess of amounts expended in FY 05/06 totaling \$26,668 that accumulated in fund balance at year end. Staff recommends appropriating \$26,668 of fund balance in FY 07 for the Dixie Youth program expenditures. The Dixie Youth Program collected revenues for the Dixie Youth Program in excess of amounts budgeted for FY 06/07 of \$10,210. Staff recommends appropriation of the additional revenue of \$10,210 for Dixie Youth expenditures. There are no additional county funds involved in this amendment.

- 2) General Fund Amendment 11-Increase \$5,186

The Volunteer Center maintained a separate checking account which was closed in July. The funds totaling \$5,186 were deposited in the Emergency Management budget in 104330-383957 for the volunteer center when the center was transferred to EMS. Staff recommends the funds be appropriated for volunteer center expenditures of \$5,186 in 104330-449942. Travel mileage of \$1,500 for the volunteer center coordinator was budgeted in the employee's previous department. Staff recommends the transfer of the travel mileage of \$1,500 from 104950-431100 to 104330-431100. There are no additional county funds involved in this amendment.

- 3) General Fund Amendment 12-Increase \$182,867

The Solid Waste and Operation Services Departments had several capital projects underway at the end of FY 05/06 and request the funds to complete the projects be appropriated in FY 06/07. The unspent funds accumulated in fund balance on June 30, 2006. Staff recommends a fund balance appropriation of \$182,867 for the following projects: \$92,896 parking lot repairs, \$937 for brick work on the operations and engineering building, \$21,533 for the Calabash Library roof leak repairs, \$61,184 for the government complex fuel site, and \$6,317 for the moving of the

scales and concrete walls of the convenience sites. There are no additional county funds involved in this amendment.

4) General Fund Amendment 13-Increase \$24,715

Funds appropriated for the Town Creek Rescue Squad in FY 05/06 were unspent at year end totaling \$24,715 and accumulated in fund balance at 6/30/06. Staff requests the appropriation of the funds to FY 06/07 for expenditures related to the county acquiring the Town creek Rescue Squad. There are no additional county funds involved in this amendment.

5) General Fund Amendment 14-Increase \$25,000

Funds appropriated for the Fiscal Operations computer software projects in FY 05/06 were unspent at year end totaling \$25,000 and accumulated in fund balance at 6/30/06. Staff requests the appropriation of the funds to FY 06/07 for expenditures related to the software projects. There are no additional county funds involved in this amendment.

6) County Capital Reserve Amendment 3-Increase Transfer to Capital Project \$10,000

County Capital Project Amendment 3- Increase Rourk Library Project \$10,000

Funds were appropriated in the County Capital Reserve for the Rourk Library Project. Staff recommends appropriating \$10,000 to the capital project for start up expenditures for advertising and other project costs. There are no additional county funds involved in this amendment.

**D. Operation Services (EB 53-3)**

Staff recommends approval to exempt the First Baptist Church of Shallotte from tipping fees at the Brunswick County Landfill.

**E Resolution Cape Fear Skyway Bridge Project (Removed under Adjustments to the Agenda)**

Staff requests approval of a Resolution regarding the Wilmington Outer Loop. **(EB 53-4)**

**F. Lease Agreement for Office Space at Village Road (EB 53-5)**

Staff requests approval of a Lease Agreement for Office Space on Village Road in Leland.

**G. Southern Health Partners (EB 53-6)**

Staff requests approval of an Interim Contract Renewal Letter with Southern Health Partners.

## **VI. PRESENTATION**

**1. Teen Court Proclamation** (Josh Reeves, Rex Gore, Cynthia Tart)

Cynthia Tart and Rex Gore thanked the Board for their continued support and asked that the Board proclaim September as Teen Court Month. Josh Reeves was unable to attend so Ms. Destiny Fullwood, Teen Court member, spoke in behalf of all the Teen Court volunteers and thanked the Board for the opportunity to participate in such a fulfilling program. Ms. Fullwood will be a Senior at West Brunswick High School this year and plans to major in Political Science.

**2. Habitat for Humanity** (Jana Berg, Gary Knapp)

Jana Berg, Assistant County Attorney requested that the Board of Commissioners donate to Brunswick County Habitat for Humanity, \$35,000, a parcel of county owned property, not to exceed \$5,000 in tax valuation, waive permit and inspection fees and provide in-house services (such as site clearing and grading) for sponsorship of a Habitat for Humanity house in Brunswick County.

Ms. Berg and Gary Knapp, Habitat Director, explained that one of the biggest problems facing Brunswick County is the lack of affordable housing. Habitat for Humanity works in partnership with people in need to build and renovate decent, affordable housing. The houses are sold to those in need at no profit and with no interest charged. Volunteers provide most of the labor, and individual and donors provide money and materials to build Habitat houses. The families themselves invest hundreds of hours of labor into building their homes and the homes of others. Ms. Berg further explained that it is one of the county's major goals and objectives for fiscal year 2006-2007 "to organize a group of county employees and officials to support the Brunswick County Habitat for Humanity program and to assist in the construction of an affordable housing unit." A group of county employees was organized to accomplish this most worthwhile goal. The team recently met with officials from Brunswick County Habitat for Humanity and determined that to kick the project off they will initially need: 1) a parcel of land upon which to construct the house; 2) waiver of permit and inspection fees; 3) in-kind assistance in the form of site clearing and grading, and 4) funds for materials and services. Once these funds and land are acquired the next step is to begin permitting, site testing and clearing, ordering materials and services and organizing a force of county employees to volunteer their time toward the construction of the house. Staff hopes to acquire some outright donations of services and materials and materials for cost from local suppliers and contractors; however, we estimate that we will still need around \$35,000 to begin. The Board took into consideration the requests made in the presentation.

## **VII. PUBLIC HEARING**

### **1. Proposed Map Amendment Z-06-09**

#### **CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 6:54 p.m. and announced that the purpose of the Hearing was to receive comments on the Proposed Map Amendment Z-06-09.

Leslie Bell, Planning Director explained the following:

**Item 1** (Map Amendment Z-504 – Wayne McCall and Dennis Hewett)

Item 1 is a map amendment initiated by the property owner. This change from RU (Rural) and R-6000 (Medium Density Residential) to Neighborhood Commercial (NC) would allow for commercial use of Tax Parcels 19900044, 1990004503, and 19900045 (Requested by the Applicants) and 1990004303, 1990004306 and a portion of 1990004302 (Added by Staff). These parcels are located at 1193, 1201, 1239, 1257, 1265 and 1269 Holden Beach Road; 2154 Ballpark Loop and 2184 Ballpark Loop, Supply NC.

The calculated area proposed for rezoning totals 17.35 acres.

Planning Board recommends approval for Tax Parcels 19900044, 1990004503, 19900045, 1990004303, 1990004306, and a portion of 1990004302 (6 to 0 with Mr. Loyack being absent from the meeting).

**Item 2** (Map Amendment Z-508 – John W. Thompson)

Item 2 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of a portion of Tax Parcel 2210005614. Beginning 464.245 feet northwest of the northwestern quadrant of Long Beach Road SE (NC 133), and Port Loop Road SE, continuing 166.85 feet northwest, 443.73 feet southeast and approximately 279 feet southwest back to the point of origin.

This tract totals 4.92 acres, of which 1.164 calculated acres are proposed for rezoning. Planning Board recommends approval for Tax Parcel 2210005614 (6 to 0 with Mr. Loyack being absent from the meeting).

**Item 3** (Map Amendment Z-509 – D.C. Rountree)

Item 3 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 231CA002, located at 2169 and 2173 Boones Neck Road SW, Supply NC.

This tract consists of .584 acres.

Planning Board recommends approval for Tax Parcel 231CA002 (6 to 0 with Mr. Loyack being absent from the meeting).

**Item 4** (Map Amendment Z-510 – Coastal Land Design)

Item 4 is a map amendment initiated by the property owner. This change from C-LD (Commercial Low Density) to MR-3200 (Multi-family Residential) would allow for multi-family use of a portion of Tax Parcel 1860000903, beginning 1178.39 feet southwest of the southwestern quadrant of Southport-Supply Road (NC 211) and Sunset Harbor Road (SR 1112) and continuing 969.65 feet southwest fronting Sunset Harbor Road. Then 1245.90 feet west; 874.11 feet northeast; and 1329.22 feet east to the point of origin.

The area proposed for rezoning totals 23.34 acres.

Planning Board recommends denial for Tax Parcel 1860000904 (6 to 0 with Mr. Loyack being absent from the meeting).

**Item 5** (Map Amendment Z-512 – Tolman C. Lennon)

Item 5 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcel 16900013, located at 1040 Southport-Supply Road, Bolivia NC 28422.

This tract consists of 292.47 acres.

Planning Board recommends approval for Tax Parcel 16900013 (6 to 0 with Mr. Loyack being absent from the meeting).

**Item 6** (Map Amendment Z-514 – CTC Bricklanding, LLC) **[WITHDRAWN BY APPLICANT]**

Item 6 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to R-6000 (Medium Density Residential) would allow for residential use of Tax Parcel 2290002005. Beginning approximately 180.15 feet west of the southwestern quadrant of Beach Drive SW (NC 179) and Horse Branch Road SW (SR 1257). Continuing 468.42 feet southwest fronting Beach Drive; 120.83 feet southeast; 65.02 feet northeast; 1609.02 feet south; 78.27 feet west; 47.08 feet southwest; 169.49 feet south; 28.44 feet southeast; 507.30 feet northeast; and 2047.20 feet northwest back to the point of origin.

This parcel totals 17.04 acres.

Planning Board recommends denial for Tax Parcel 2290002005 (5 to 1 with Dr. Flythe opposing and Mr. Loyack being absent from the meeting).

**PUBLIC COMMENTS**

Chairman Sandifer asked if there was anyone in the audience who wished speak regarding the Proposed Map Amendment Z-06-09. The following citizens addressed the Board:

1. Bobby Hart spoke against Item 4 stating that if rezoned, the residential area will be next to commercial zoning that will generate noise therefore, initiating complaints from homeowners.

## ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:03 p.m. The vote of approval was unanimous.

### VIII. ADMINISTRATIVE REPORT

#### **1. Planning – Map Amendment Z-06-09 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve Second Reading and Adoption of Map Amendment Z-06-09.

Commissioner Sue moved to approve the Second Reading and Adoption of Map Amendment Z-06-09 and the Planning Board's recommendations to approve Items 1, 2, 3, 5 and deny Item 4 (Item 6 withdrawn) as they are consistent with findings as set out in the attachments contained in the packet. The vote of approval was unanimous.

#### **2. Planning – Map Amendment Z-06-10 - (Leslie Bell)**

Staff recommends that the Board of Commissioners set a Public Hearing date of September 5, 2006 at 6:30 p.m. for proposed Map Amendment Z-06-10.

Vice-Chairman Norris requested to be recused from this item. The vote of approval was unanimous.

Commissioner Sue moved to approve First Reading and set a Public Hearing for September 5, 2006 at 6:30 p.m. for proposed Map Amendment Z-06-10. The vote was unanimous (4 -0).

#### **3. Emergency Services – Contract for Medical Direction - (Brian Watts)**

Staff recommends that the Board of Commissioners approve a contract for emergency services medical direction with Dr. William Sherrod.

Brian Watts, Deputy Director explained that EMS Staff recommends contracting with Dr. William Sherrod MD for medical direction of the Emergency Services system. Dr. Sherrod will oversee the clinical component of all advanced life support, first responders, and emergency medical dispatchers. Annual compensation will be \$22,000 which is already allocated in this fiscal year's budget.

Vice-Chairman Norris moved to approve a contract for emergency services medical direction with Dr. William Sherrod. The vote of approval was unanimous.

#### **4. Emergency Services – Renewal of Service Contracts – Medtronic Physio Control - (Brian Watts)**

Staff recommends that the Board of Commissioners approve the renewal of service contracts for Durable Medical Equipment service from Medtronic Physio Control.

Brian Watts, Deputy Director explained that the EMS Division is requesting that the Technical Service Support Agreements with Medtronic Physio Control be renewed for 15 Lifepak 12 Monitor/ Defibrillators, 8 Battery Support Systems and 8 Lifepak 500 AED's. The price of this coverage is \$15,102.50 and is already allocated in this fiscal year's budget.

Commissioner Rabon moved to approve the renewal of service contracts for Durable Medical Equipment service from Medtronic Physio Control. The vote of approval was unanimous.

**5. Emergency Services – MOA – Critical Infrastructure Protection Funds - (Randy Thompson)**

Staff recommends that the Board of Commissioners approve a Memorandum of Agreement (MOA) between Brunswick County and the State Division of Emergency Management (Critical Infrastructure Protection Funds) and authorize the County Manager to sign the MOA and appoint the Emergency Services Director as Designated Agent and County Point of Contact for this project.

Randy Thompson, EMS Director explained that the US Department of Homeland Security has awarded the State of North Carolina with funds related to terrorism and weapons of mass destruction preparedness. The State Division of Emergency Management has been tasked with distributing these funds to the counties in North Carolina. This MOA is an agreement between the state and Brunswick County to provide said funding. Brunswick County will be provided with a total of \$48,445.00. The funds were approved by the state upon a review of a vulnerability reduction purchasing plan filed by the Emergency Services Department with the assistance of the Brunswick County Sheriff's Office. The funds are designed to assist local responders with buffer zone protection measures for identified facilities within our county. The county will initially purchase the equipment and then submit receipts to the state for reimbursement. No matching funds are required. Staff also requests to appoint Randy Thompson, Emergency Services Director as the Designated Agent and Designated Point of Contact for this project.

Commissioner Moore moved to approve a Memorandum of Agreement between Brunswick County and the State Division of Emergency Management (Critical Infrastructure Protection Funds) and authorize the County Manager to sign the MOA and appoint the Emergency Services Director as Designated Agent and County Point of Contact for this project. The vote of approval was unanimous.

**6. Utilities – Surveying Services - West Brunswick Regional Water Reclamation Facility - (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve a contract amendment with McKim and Creed to add surveying services to West Brunswick Regional Water Reclamation Facility expansion design that will increase the contract amount by \$9,720.

Jerry Pierce, Utilities Director explained that in the contract for the design of the West Brunswick Regional Water Reclamation Facility expansion from 3 mgd to 6 mgd, surveying of the existing upset pond, existing stormwater management pond, site grading, and structure elevations was not included. During the process of designing the expanded facility, the engineers have determined that additional survey work is needed to determine the actual elevation of these critical elements of the plant. McKim and Creed had developed a scope of work and will gather the necessary data for an increase in the contract amount of \$9,720. This work will not change the overall schedule for completion of the design.

Vice-Chairman Norris moved to approve a Contract Amendment with McKim and Creed to add surveying services to West Brunswick Regional Water Reclamation Facility expansion design that will increase the contract amount by \$9,720. The vote of approval was unanimous.

**7. Utilities – Pump Station Upgrades Design – St. James & Carolina Shores - (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve a contract with Thomas & Hutton Engineering Company for the design of pump station upgrades for various sewer pump stations in St. James and Carolina Shores in the amount of \$69,000.

Jerry Pierce, Utilities Director explained that due to sewer capacity issues and general degradation from age, the “Silverleaf” pump station in St. James and the “7<sup>th</sup> Fairway” and “Parkway” pump stations in Carolina Shores are in urgent need of major repair and reconstruction. The Public Utilities Department sent a “Request for Proposals” to regional consulting firms for design services associated with upgrades to the sewer pump stations. Thomas & Hutton Engineering Company was selected to design the following improvements:

7<sup>th</sup> Fairway Pump Station (Carolina Shores)

- \* New Wetwell
- \* New Influent Manhole **or** Rehab Existing Manhole
- \* New Valve Vault with Emergency Pump-Off
- \* New Electrical Controls (Duplex Panel, SCADA)
- \* New Piping
- \* Two New Submersible Pumps with Rail Systems

Parkway Pump Station (Carolina Shores)

- \* Rehab Wetwell
- \* Existing Building and Concrete Slab Demolition
- \* New Valve Vault with Emergency Pump-Off
- \* New Electrical Controls (Duplex Panel, SCADA)
- \* New Piping

Silverleaf Pump Station (St. James)

- \* New Wetwell
- \* New Valve Vault with Emergency Pump-Off
- \* New Electrical Controls (Duplex Panel, SCADA)
- \* New Piping
- \* Two New Submersible Pumps with Rail Systems
- \* Removal of Existing Tank

Vice-Chairman Norris moved to approve a contract with Thomas & Hutton Engineering Company for the design of pump station upgrades for various sewer pump stations in St. James and Carolina Shores in the amount of \$69,000 and the associated Budget Amendment and Capital Project Ordinance. The vote of approval was unanimous.

**8. Utilities – Agreement with Lower Cape Fear River Program - (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve an Agreement with the Lower Cape Fear River Program of the University of North Carolina at Wilmington for ongoing research and education programs to develop an understanding of the various processes affecting the Lower Cape Fear River and its estuaries for \$10,000 per year.

Jerry Pierce, Utilities Director explained that the Lower Cape Fear River Program (LCFRP) of the University of North Carolina at Wilmington has developed an ongoing research and public education program that is designed to provide information to Counties, Municipalities, and Industries about the processes that occur in the Lower Cape Fear River that impact water quality. The LCFRP works with the NC DENR in its river monitoring program and takes additional water quality samples that assist in its research efforts. The LCFRP has established committees and subcommittees that provide education to its stakeholders and receive input on its research efforts. The County has been a participant in this program since its inception. The proposed agreement requires the County to reimburse the LCFRP \$10,000 for its work in FY 2007.

Commissioner Sue moved to approve an Agreement with the Lower Cape Fear River Program of the University of North Carolina at Wilmington for ongoing research and education programs to develop an understanding of the various processes affecting the Lower Cape Fear River and its estuaries for \$10,000 per year. The vote of approval was unanimous.

**9. Utilities – Water Master Plan Report – (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve the Final Wastewater Master Plan Report prepared by Hazen and Sawyer, P.C., Environmental Engineers and Scientists, dated July 2006.

Jerry Pierce, Utilities Director explained that the Board of Commissioners adopted completion of a Water Master Plan as one of its goals for FY 2006. Hazen and Sawyer, P.C., was selected to develop the Water Master Plan and they have completed their work. A public hearing was held on the draft Water Master Plan on June 12, 2006. Based upon the comments from the staff and comments received at the public hearing, the draft plan was revised and a Final Water Master Plan Report was completed.

The Final Water Master Plan Report projects the future water needs for the County for the next 15 years. The plan projects that 38 mgd of potable water will be needed to meet the demand. To meet that demand, the report recommends that the Northwest Water Plant be expanded to 36 mgd and to make upgrades to the NC 211 Water Plant. The existing transmission system will also need to be upgraded to transmit the water from the plants to our industrial, wholesale, and retail customers. The plan recommends the construction of new water mains in some areas and the paralleling of existing mains in other areas. The total estimated cost of all improvements is \$68,931,000.

Commissioner Sue moved to approve the Final Water Master Plan Report prepared by Hazen and Sawyer, P.C., Environmental Engineers and Scientists, dated July 2006. The vote of approval was unanimous.

**10. West Brunswick Regional Wastewater Project – Contract No. 7 – Change Orders 1 & 2 – (Marty Lawing)**

Staff recommends that the Board of Commissioners approve Change Orders No. 1 and No. 2 (Final Adjusting) for Contract No. 7 with Greenwall Construction Service, Inc. for the West Brunswick Regional Wastewater Project.

Marty Lawing, County Manager explained that the county contracted with Greenwall Construction Service to construct the three (3) regional pump stations located at the Holden Beach Causeway, Bolivia Elementary School and on Boones Neck Road at Windy Point. The original contract price for project was \$3,029,632.20.

**Change Order No. 1**

Change Order No. 1 resulted from several value engineering items that were identified by the project manager and the contractor after the contract was awarded. These items included:

- Deletion of a mowing strip at all pump stations \$ 9,954.00
- Asphalt changes- Change binder course from 4”to 2”  
at all pump stations and reduce paved area at Boonesneck  
by 167 square yards 3,586.00
- Delete waterproofing on exterior concrete surfaces below grade 30,613.00
- Delete HDPE drop pipe at Boones Neck and Holden Beach 15,916.00
- Substitute black bitumastic coating on casing pipe at Holden Beach  
in lieu of epoxyline II coating 1,275.00

- Deletion of bypass pumping lines and redundant valves and fittings at all pump stations	<u>28,666.42</u>
Total Deduction	\$100,010.42

**Change Order No. 2.**

Change Order No. 2 reflects the final adjusting quantities for the project that resulted in a net increase of \$15,087.11 and modifications to the submersible pump connects that resulted in an increase of \$9,881.00. The primary reason for the overage in quantities was the excessive amount of unsuitable material that had to be removed from the pump station site at Bolivia Elementary School. An estimate of 75 cubic yards for all three sites was included in the contracts and 1320 cubic yards were removed at Bolivia. The contractor did agree to a reduced unit price from the contracted amount of \$48.74 to \$23.75 for a total cost of \$27,694.50, which was offset by credits from the other sites and not utilizing the allowances for removal of petroleum contaminated soil and remediation

Change Order No. 2 Total Net Increase \$24,555.11

The final proposed contract price for Contract No. 7 is \$2,954,176.89, which is \$75,455.31 less than the original contract price.

Commissioner Sue moved to approve Change Orders NO. 1 and 2 for Contract No. 7 with Greenwall Construction Service, Inc. The vote of approval was unanimous.

**11. Lease Agreement with Ocean Ridge Properties, Inc. – (Marty Lawing)**

Staff recommends that the Board of Commissioners approve a Lease Agreement between Brunswick County and Ocean Ridge Properties, Inc.

Marty Lawing, County Manager explained that the County recently entered into a Sewer Service Agreement with MAS Properties, L.L.C., Coastal Communities at Ocean Ridge Plantation, Inc. and Ocean Isle Palms, Inc. Under the terms of the agreement, the sewer collection system and the package treatment plant will be dedicated to the County upon approval of the ownership and name change by DENR / DWQ. The site that the treatment plant is situated on will be leased to the County for an initial term of 50 years subject to earlier termination when the plant is removed from the site prior to which time the County will construct a pump station on a smaller parcel to be dedicated to the County. The plant site consists of 16.48 acres, which is more than necessary to operate the wastewater facility. If the lessor desires to include a portion of the site in its development plans, the lessor shall be entitled to terminate the lease as to the portion needed for development and provide the County with a survey showing the land removed from the lease so long as sufficient land remains to allow for the efficient operation of the plant and the construction of a pump station. As stipulated in the sewer service agreement, the County must pay all property taxes assessed against the leased premises and maintain liability insurance. The parcel number for the site is 2270001503 and the parcel address is 659 Stablemaster Court. The current value listed on the county tax records is \$107,120 and the current county property taxes are \$578.45.

All other terms of Section 5 of the Sewer Service Agreement are incorporated into the lease by reference. These terms require the County to provide fire and casualty insurance on the Ocean Ridge System in an amount not less than replacement cost and shall provide upon request, copies of certificates of insurance. The County will indemnify the developer for any loss, cost or damage against them in connection with the County’s operation of the system and the County shall provide an annual report regarding the condition of the Ocean Ridge facility and collection system and any recommended replacement or renewals. The County will also provide copies of permits, notices and correspondence received from any regulatory agency with respect to the system. The lease will be executed at the time of closing.

Vice-Chairman Norris moved to approve a Lease with Ocean Ridge Properties, Inc. The vote of approval was unanimous.

**12 Community Development Block Grant Public Hearings (Added under Adjustments to the Agenda)**

Marty Lawing, County Manager explained that Brunswick County has a contractor who is seeking funds from the North Carolina Department of Commerce's Small Cities Community Development Block Grant Program (CDBG) to help extend water and sewer to property recently acquired by the County on Highway 211. A Public Hearing is required for the grant applications.

Commissioner Moore moved to set Public Hearings at 6:30 p.m. on August 21, 2006 and September 5, 2006. The vote of approval was unanimous.

**IX. BOARD APPOINTMENTS**

**1. Marine Fisheries (District 2 appointment)**

Chairman Sandifer nominated Melba Edwards. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointment of Melba Edwards. The vote of approval was unanimous. Ms. Edwards will serve another two-year term that will expire August 1, 2008.

**2. Comprehensive Transportation Plan Committee (Added under Adjustments to the Agenda)**

Chairman Sandifer nominated Stephan Greiner and Becky King Noble, Commissioner Moore nominated Mike Reaves and Shelly Lescher (volunteered). Commissioner Moore moved to close nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointments of Greiner, Noble, Reaves and Lescher. The vote of approval was unanimous. Greiner, Noble, Reaves and Lescher will be in addition to Commissioner Moore, Vice-Chairman Norris and Leslie Bell, Planning Director.

**X. COUNTY ATTORNEY'S REPORT**

**1. Deed of Dedication for The Farm Phase III**

Huey Marshall, County Attorney explained that the Deed of Dedication with D. R. Horton, Inc. a Delaware Corporation is for water and sewer lines for The Farm at Brunswick, Phase 3.

Commissioner Sue moved to approve the Deed of Dedication with D. R. Horton, Inc. for water and sewer lines at the Farm at Brunswick, Phase 3. The vote of approval was unanimous.

**2. Resolution for SAD #21**

Huey Marshall, County Attorney explained that this is the final Resolution for Special Assessment District #21 which began in December 2003 with a Public Hearing in January 2004 that was attended by citizens who supported the new District for water lines along Gray Bridge Road, Tar Landing Road, River Hills, Sherrow River Estates and A. I. Clemmons Road. This final assessment Resolution will complete the project except for repayment which it will provide for.

Commissioner Sue moved to approve the Resolution for SAD #21. The vote of approval was unanimous.

**3. Closed Session 7:40 p.m.**

Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) attorney/client privilege to discuss potential litigation and real property. The vote of approval was unanimous.

**Reconvened 8:27 p.m.**

Chairman Sandifer called the Open Session back to order and announced that the action taken in Closed Session will be disclosed to the other side upon further negotiations with them on the pending matter.

**XI. OTHER BUSINESS/INFORMAL DISCUSSION**

There was no other business to discuss.

**XII. ADJOURNMENT**

Commissioner Sue moved to adjourn the Regular Meeting at 8:28 p.m. The vote of approval was unanimous.

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David R. Sandifer, Chairman

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Deborah (Debby) Gore, Clerk to the Board